



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5101

Introduced 2/10/2026, by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

705 ILCS 23/5
705 ILCS 40/5 new

Amends the Judicial Districts Act of 2021 and the Judicial Vacancies Act. Provides that if a vacancy occurs in the Supreme Court, an appointment must be made as provided in the Act to fill that vacancy for the remainder of that justice's term of office. Creates a judicial nomination commission to be comprised of the following members: (1) one nonlawyer appointed by the Governor who will serve as chair of the commission; (2) one nonlawyer appointed by the President of the Senate; (3) one nonlawyer appointed by the Minority Leader of the Senate; (4) one nonlawyer appointed by the Speaker of the House; (5) one nonlawyer appointed by the Minority Leader of the House; (6) one nonlawyer appointed by the Attorney General; and (7) 5 lawyers to elected by secret ballot by the members of the Chicago Bar Association, DuPage County Bar Association, Illinois State Bar Association, Kane County Bar Association, Lake County Bar Association, and Will County Bar Association. Provides that the judicial nomination commission is to review, investigate, and nominate to the Governor a list of 3 applicants to fill each vacancy, and the Governor will then appoint one of the 3 applicants to fill that vacancy for the remainder of the vacating justice's term. Requires that any vacancy must be filled by a member of the same political party as the vacating justice's political party.

LRB104 19935 JRC 33385 b

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Judicial Districts Act of 2021 is amended
5 by changing Section 5 as follows:

6 (705 ILCS 23/5)

7 Sec. 5. Legislative intent. The intent of this Act is to
8 redraw the Judicial Districts to meet the requirements of the
9 Illinois Constitution of 1970 by providing that outside of the
10 First District the State "shall be divided by law into four
11 Judicial Districts of substantially equal population, each of
12 which shall be compact and composed of contiguous counties."

13 Section 2 of Article VI of the Illinois Constitution of
14 1970 divides the State into five Judicial Districts for the
15 selection of Supreme and Appellate Court Judges, with Cook
16 County comprising the First District and the remainder of the
17 State "divided by law into four Judicial Districts of
18 substantially equal population, each of which shall be compact
19 and composed of contiguous counties." Further, Section 7 of
20 Article VI provides that a Judicial Circuit must be located
21 within one Judicial District, and also provides the First
22 Judicial District is comprised of a judicial circuit and the
23 remainder provided by law, subject to the requirement that

1 Circuits composed of more than one county shall be compact and
2 of contiguous counties. The current Judicial District map was
3 enacted in 1963.

4 The current Judicial Districts do not meet the
5 Constitution's requirement that four Districts other than the
6 First District be of "substantially equal population." Using
7 the American Community Survey data available at the time this
8 Act is enacted, the population of the current First District
9 is 5,198,212; the Second District is 3,204,960; the Third
10 District is 1,782,863; the Fourth District is 1,299,747; and
11 the Fifth District is 1,284,757.

12 Under this redistricting plan, the population, according
13 to the American Community Survey, of the Second District will
14 be 1,770,983; the Third District will be 1,950,349; the Fourth
15 District will be 2,011,316; and the Fifth District will be
16 1,839,679. A similar substantially equitable result occurs
17 using the 2010 U.S. Census data, the most recent decennial
18 census data available at the time of this Act, with the
19 population of the Second District being approximately
20 1,747,387; the Third District being 1,936,616; the Fourth
21 District being 2,069,660; and the Fifth District being
22 1,882,294. Because of the constitutional requirement that a
23 District be composed of whole counties, and given that actual
24 population changes on a day-to-day basis, the populations are
25 not and could never be exact, but the population of each of the
26 four Districts created by this Act is substantially equal.

1 In addition to ensuring the population of the four
2 Districts are substantially equal, this Act complies with
3 Section 7 of Article VI of the Illinois Constitution of 1970,
4 which provides that the First Judicial District shall be
5 comprised of a Judicial Circuit, and the remaining Judicial
6 Circuits shall be provided by law, and Circuits comprised of
7 more than one county shall be compact and of contiguous
8 counties. To comply with Section 7 of Article VI and minimize
9 disruption to the administration of the Judicial Branch, this
10 Act avoids changing the compositions and boundaries of the
11 Judicial Circuits, while simultaneously creating substantially
12 equally populated, compact, and contiguous Judicial Districts.

13 To further avoid any interruption to the administration of
14 the Judicial Branch, this Act does not require that the
15 Supreme Court change where the Appellate Courts currently
16 reside. By Supreme Court Rule, the Second District Appellate
17 Court currently sits in Elgin; the Third District Appellate
18 Court currently sits in Ottawa; the Fourth District Appellate
19 Court currently sits in Springfield; and the Fifth District
20 Appellate Court currently sits in Mt. Vernon. Under this Act,
21 the Supreme Court is not required to change where the
22 Appellate Courts sit as those cities remain in the Second,
23 Third, Fourth, and Fifth District respectively.

24 To ensure continuity of service and compliance with the
25 Illinois Constitution of 1970, nothing in this Act is intended
26 to affect the tenure of any Appellate or Supreme Court Judge

1 elected or appointed prior to the effective date of this Act.
2 In accordance with the Constitution, no change in the
3 boundaries shall affect an incumbent judge's qualification for
4 office or right to run for retention. Incumbent judges have
5 the right to run for retention in the counties comprising the
6 District that elected the judge, or in the counties comprising
7 the new District where the judge resides, as the judge may
8 elect. As provided by the Constitution, upon a vacancy in an
9 elected ~~Supreme~~ or Appellate Court office, the Supreme Court
10 may fill the vacancy until the vacancy is filled in the next
11 general election in the counties comprising the District
12 created by this Act.

13 Further, nothing in this Act is intended to alter or
14 impair the ability of the Supreme Court to fulfill its
15 obligations to ensure the proper administration of the
16 Judicial Branch. For example, it remains within the purview of
17 the Supreme Court to assign or reassign any judge to any court
18 or determine assignment of additional judges to the Appellate
19 Court. Section 1 of the Appellate Act provides that the
20 "Supreme Court may assign additional judges to service in the
21 Appellate Court from time to time as the business of the
22 Appellate Court requires." Currently the Supreme Court has
23 three judges on assignment to the Second District Appellate
24 Court, whereas one judge is on assignment to the Third,
25 Fourth, and Fifth Districts. Nothing in this Act seeks to
26 alter any judicial assignments.

1 Finally, it is the intent of the General Assembly that any
2 appealable order, as defined by Supreme Court Rules, entered
3 prior to the effective date of this Act shall be subject to
4 judicial review by the Judicial District in effect on the date
5 the order was entered; however, the administrative and
6 supervisory authority of the courts remains within the purview
7 of the Supreme Court.

8 (Source: P.A. 102-11, eff. 6-4-21; 102-687, eff. 12-17-21.)

9 Section 10. The Judicial Vacancies Act is amended by
10 adding Section 5 as follows:

11 (705 ILCS 40/5 new)

12 Sec. 5. Supreme Court vacancy. If a vacancy occurs in the
13 Supreme Court, an appointment be made as provided in this
14 Section to fill that vacancy for the remainder of that
15 justice's term of office.

16 (a) A judicial nomination commission is created to be
17 comprised of the following members:

18 (1) one nonlawyer appointed by the Governor who will
19 serve as chair of the commission;

20 (2) one nonlawyer appointed by the President of the
21 Senate;

22 (3) one nonlawyer appointed by the Minority Leader of
23 the Senate;

24 (4) one nonlawyer appointed by the Speaker of the

1 House;

2 (5) one nonlawyer appointed by the Minority Leader of
3 the House;

4 (6) one nonlawyer appointed by the Attorney General;
5 and

6 (7) five lawyers to elected by secret ballot by the
7 members of the Chicago Bar Association, DuPage County Bar
8 Association, Illinois State Bar Association, Kane County
9 Bar Association, Lake County Bar Association, and Will
10 County Bar Association.

11 (b) The judicial nomination commission must review,
12 investigate, and submit to the Governor 3 nominations to fill
13 each vacancy. The Governor must appoint one of the 3 who were
14 nominated to fill that vacancy for the remainder of the
15 vacating justice's term.

16 (c) Any vacancy must be filled by a member of the same
17 political party as the vacating justice's political party.

18 (d) The Administrative Office of the Illinois Courts must
19 supervise the election of the lawyer members to ensure that a
20 lawyer may only vote once in the election of commission
21 members.

22 (e) An applicant may not be nominated or appointed unless
23 the applicant meets all of the legal requirements to serve as a
24 Supreme Court Justice.